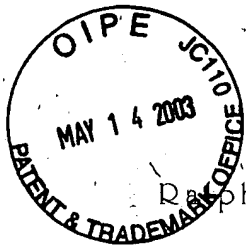


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Mail Stop Appeal Brief - Patents
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Re: **Application Serial No.:** 09/449,426
Confirmation No.: 6272
Applicants: James Meek, et al.
Title: ATM Customer Marketing System
Docket No.: D-1119R

Sir:

Please find enclosed the Brief of Appellants pursuant to 37 C.F.R. § 1.192 in triplicate for filing in the above-referenced application.

It is believed that no extension of time is required. However, if such an extension is required then please consider this a petition therefore.

Please charge the fee required with this filing (\$320) and any other fee due to Deposit Account 09-0428.

Very truly yours,

Ralph E. Jocke
Reg. No. 31,029

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D-1119R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of)
James Meek, et al.)
Serial No.: 09/449,426) Art Unit 3627
Confirm. No.: 6272)
Filed: November 24, 1999) Patent Examiner
Title: ATM Customer Marketing System) F. J. Bartuska

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BRIEF OF APPELLANTS PURSUANT TO 37 C.F.R. § 1.192

Sir:

The Appellants hereby submit their Brief pursuant to 37 C.F.R. § 1.192, in triplicate,
concerning the above-referenced Application.

REAL PARTY IN INTEREST

The Assignee of all right, title and interest to the above-referenced Application is

Diebold, Incorporated, an Ohio corporation.

05/20/2003 AMONDAF1 00000004 090428 09449426

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RELATED APPEALS AND INTERFERENCES

Appellants believe that there are no related appeals or interferences pertaining to this matter.

STATUS OF CLAIMS

Claims 1-55 are pending in the Application.

Claims 47, 51, and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Murphy (US 5,305,195).

Claims 1-29, 31-34, 36-46, 48-50, and 52-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of EP 0843291 (hereinafter "Patterson").

Claims 30 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Patterson and Symonds et al. (US 6,039,245) (hereinafter "Symonds").

These rejections were the only rejections present in the Office Action ("Action") dated February 5, 2003. Appellants appeal the rejections of the claims, inclusive.

STATUS OF AMENDMENTS

No final rejection has been made. However, claims have been twice rejected. Therefore, no amendments to the claims were requested to be admitted after a final rejection.

SUMMARY OF INVENTION

Overview of the Invention

An exemplary form of the invention is directed to a method and system which permits an ATM to independently receive an advertisement message from a first remote computer and display the advertisement to the ATM user, all while carrying out a financial transaction with a second remote computer. That is, in the exemplary form of the invention, an ATM can carry out a financial transaction by communicating with a financial transaction computer, and concurrently (during the financial transaction) market a product to the user by independently communicating with a marketing computer.

A system can include a plurality of ATMs (74, 76, 78, 80, 82, 84, 86). The ATMs can operate to carry out financial transactions with associated host computers (90, 94, 100, 104). A marketing message computer (110) is independently connected to the ATMs through a network (108). The network connection provides delivery of market presentation materials to the ATMs. The marketing message communication with an ATM is independent of the financial transaction communication with the ATM.

The ATM can also send a marketing request message to the marketing computer (110) and a transaction request message to the transaction (host) computer. The marketing request message can include user data corresponding to identifying inputs from the ATM user. The marketing computer can select a presentation to be made to the user based on the received user data. The marketing computer can then send a marketing response message back to the ATM, where the marketing response message includes data representative of the selected presentation.

The selection of the marketing presentation can be based on a marketing presentation sequence, e.g., the selected presentation data can correspond to the next marketing presentation in an ordered sequence of presentations, which has not yet been presented to that user. A marketing campaign may include a sequence of presentations that are output on a targeted basis to particular ATM users. In the targeted marketing campaign, the presentations (in the sequence) are presented in a particular order to a particular user on successive visits to any ATM in system. A particular user (corresponding to the provided identifying inputs) can be targeted to receive a particular marketing campaign based on information that is stored in connection with the marketing computer concerning that particular user.

CONCISE STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The questions presented in this appeal are:

- 1). Whether Appellants' claims 47, 51, and 55 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Murphy.
- 2). Whether Appellants' claims 1-29, 31-34, 36-46, 48-50, and 52-54 are unpatentable under 35 U.S.C. § 103(a) over Murphy in view of Patterson.
- 3). Whether Appellants' claims 30 and 35 are unpatentable under 35 U.S.C. § 103(a) over Murphy in view of Patterson and Symonds.

GROUPING OF CLAIMS

No groups of claims stand or fall together. Every claim recites additional features of the invention which distinguishes the claim over every other pending claim.

Each of Appellants' claims recites at least one element or combination of elements not found or suggested in the applied references, which patentably distinguishes the claims.

The pending claims include three independent claims (claims 1 and 46-51). Claims 2-45 depend from claim 1. Claims 52 and 55 depend from claim 51. Claim 53 depends from claim 46. Claim 54 depends from claim 47. All pending claims 1-55 are reproduced in the Appendix.

ARGUMENT

The Applicable Legal Standards

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To

establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is "necessarily present" in a cited reference. Inherency may not be established based on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999).

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The evidence of record must teach or suggest the recited features. An assertion of basic knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

A determination of patentability must be based on evidence of record. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

It is respectfully submitted that the Action from which this appeal is taken does not meet these burdens.

The Murphy Reference

Murphy is directed to an advertising system. A remote centrally located commercial computer (10, 30) is capable of transmitting commercial offerings of compressed digitized video signals to remotely located terminals (12, 38, 40). The compressed digitized video signals are stored on the hard disc (18, 74) of each terminal for later display. The time of display is determined by the use of the terminal. A user can use the terminal in a conventional manner. During a waiting time in the operation of the terminal an advertising message from the hard disc can be displayed on the terminal's video display unit. The message will last for less than 15 seconds and the user selected function will continue at the conclusion of the advertising.

The advertising message stored at the terminal can be changed directly from the commercial computer (col. 3, lines 65-68; abstract at last three lines). The advertising message is updated periodically (col. 3, lines 65-68). The updated message is transmitted at low speeds from the commercial computer to the terminal hard disc when the terminal is not being used (col.

2, lines 54-58). All control functions regarding the playing of the stored message are located with the terminal (col. 2, lines 46-49).

The Patterson Reference

Patterson is directed to a self-service system. An ATM (10) is operated to provide, during delays associated with authorizing and acting on a user instruction, a sales presentation to a financial product. The presentation is selected by matching a user profile, obtained from a central information store (20), with profiles of target customers for a number of financial products. The ATM is connected to a sales presentation storage (16) and a host computer (18). The host computer runs a customer information file (20). A relationship management system (22) is connected to the host computer (18), the customer information file (20), and a product profile storage (24).

In operation the management system (22) is alerted by the host computer (18) of a sales opportunity to an ATM customer. The system (22) then requests from the customer file (20) information on the customer. The system (22) then attempts to match the customer's profile to a product profile. The ATM (10) is then notified which appropriate sales display in the storage (16) to present to the customer. Particularly note Figure 1.

The Symonds Reference

Symonds is directed to a financial transaction processing system (10) that enables processing transactions from various types of card activated terminal devices (12) which

communicate using a variety of electronic message formats. The transaction processing system may operate to authorize transactions internally using information stored in a relational database (32) or may communicate with external authorization systems (18). The transaction processing system includes among its software components message gateway routers (MGRs) (24, 164) which operate using information stored in the relational database to convert messages from a variety of external message formats used by the external devices and authorization systems, to a common internal message format used within the system. The system further uses database information to internally route messages to message processing programs (MPPs) (108, 138) which process messages and generate messages to the external devices and authorization systems. The MGR also converts the outgoing messages from the internal message format to the external message formats which can be interpreted by the external devices and systems to which the messages are directed. Financial transaction messages may use an ISO 8583 format (e.g., col. 1, lines 47-56).

(iii) 35 U.S.C. § 102

The Pending Claims Are Not Anticipated By Murphy

In the Action claims 47, 51, and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Murphy.

The Action alleges that Murphy discloses an assortment of features, including a first computer (10, 30), a second computer (22), and "accessing the commercial computer during the

waiting times at the ATM terminal" at col. 1, line 43 to col. 2, line 8. The Appellants respectfully disagree with the Action's interpretation and application of Murphy. Murphy does not teach each and every feature and relationship of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejections.

The evidence of record must teach the recited features and relationships. Murphy does not explicitly or inherently teach the recited method. The missing features discussed below are not taught in the Murphy reference. Nor are the missing features "necessarily present" in the Murphy reference. *In re Robertson*, supra. The Action's assertions are not based on any evidence in the record. An assertion of knowledge not based on any evidence in the record lacks substantial evidence support. Rather, the Office must point to some concrete evidence in the record. *In re Zurko*, supra. Murphy does not anticipate claims 47, 51, and 55.

Claim 47

Murphy does not teach the recited features, relationships, and steps. For example, Murphy does not teach performing step (b) concurrently during at least a portion of the financial transaction of step (a).

The Appellants respectfully disagree with the Action's interpretation of the college mainframe computer (22) as the recited second computer. Where does Murphy teach that a terminal (38, 40) markets a product to a user by communicating a marketing message between the terminal and the college mainframe computer (22)? That is, where does Murphy teach that the college mainframe computer (22) provides advertising messages to a terminal, and a financial transaction is carried out with the commercial computer (30)? In Murphy, the marketing

message originates with the commercial computer (30). On this basis alone Murphy does not anticipate claim 47.

Nevertheless, where does Murphy concurrently teach both carrying out a financial transaction for an automated transaction machine user by communicating a financial transaction message between the automated transaction machine and a first computer and (during at least a portion of the financial transaction) marketing a product to the user by communicating a marketing message between the machine and a second computer? Murphy does not teach communicating a marketing message via a second computer (and marketing the message to the user) while concurrently carrying out at least a portion of a financial transaction by communicating a financial transaction message via a first computer.

In Murphy the advertising message is stored on a terminal hard disc (18, 74) and updated periodically (col. 3, lines 65-68). The updated message is transmitted at low speeds and stored when the terminal (38) is not being used (col. 2, lines 54-58). Murphy does not teach updating the advertising message with the commercial computer (30) and marketing the updated product while concurrently carrying out a financial transaction with the college mainframe (36). Rather, the message is first stored on the hard disc (col. 2, lines 42-46) (and the commercial computer communication is carried out) prior to a financial transaction. All control functions regarding the playing of the stored message are located with the terminal (col. 2, lines 46-49).

Where does Murphy teach presenting an advertisement to a user during the user's financial transaction, where the advertisement was also received from the commercial computer during that user's financial transaction? Where does Murphy teach both communicating an

advertisement from the commercial computer to the terminal and marketing the received advertisement to the user, all while carrying out a financial transaction with the terminal?

The cited section of Murphy at col. 1, line 43 to col. 2, line 8 does not teach that the advertising message is determined by accessing the commercial computer while a user is waiting during a transaction. In Murphy advertising is stored on the terminal hard disc during terminal down time. The mentioned coaxial lines are merely one (expensive) way of transmitting the advertising message from the commercial computer to the terminal hard disc. Murphy recognizes (col. 2, lines 5-8) the cost differences and prefers (col. 5, line 11) using the less expensive telephone line for transmitting the advertising messages via data compression (col. 5, lines 26-39). Regarding advertising message display, Murphy only teaches storing the advertising message on the terminal hard disc prior to its retrieval for display, no matter how the advertising message was initially transmitted from the commercial computer to the terminal hard disc. Note the storage similarities of Figures 1 and 2, particularly the transmission of the advertising data from the commercial computer (10, 30) to the terminal's hard disc (18). Figure 2 further includes use of an intermediate server (34). In both Figures 1 and 2 the advertising data is stored on the terminal hard disc. It follows that Murphy does not teach accessing a commercial computer during a user's waiting time at an ATM (and providing a marketing presentation to the user based on a message received from the accessed commercial computer for that user), as alleged.

Murphy does not explicitly or inherently teach the recited steps (a) and (b), including the relationships of carrying out a financial transaction by communicating between an automated

transaction machine and a first computer, and concurrently during at least a portion of the financial transaction, marketing a product to the user by communicating between the automated transaction machine and a second computer.

Appellants respectfully submit that Murphy does not disclose each and every element and relationship of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Therefore, Murphy cannot anticipate claim 47. Thus, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection should be withdrawn.

Claim 51

Murphy does not teach the recited features, relationships, and steps. Note Appellants' remarks in support of the patentability of claim 47.

Murphy does not teach marketing a product to a user responsive to communication with a second computer, nor communicating with the second computer during a financial transaction, in the manner recited. Where does Murphy teach communicating with a second computer during a financial transaction and marketing a product to a user responsive to the communication?

As previously discussed, in Murphy the advertising message (received from the commercial computer) is already stored on the hard disc (col. 2, lines 42-46) prior to a financial transaction. After storage of the advertising message, communication with the commercial computer is no longer needed for marketing the product. All control functions regarding the playing of the stored advertising message are located in the terminal (col. 2, lines 46-49), not the commercial computer. Thus, Murphy has no need (and does not teach) to communicate with a second computer during a financial transaction to market a product to a user. It follows that

Murphy does not teach marketing a product to a user responsive to communication with a second computer, but rather responsive to the terminal control functions. It follows that Murphy does not anticipate claim 51.

Claim 55

Claim 55 depends from claim 51. Murphy further does not teach installing software on an automated banking machine, wherein the software is operative to enable communication between the machine and the second computer, especially during at least a portion of a financial transaction. Murphy does not anticipate claim 55.

(iv) 35 U.S.C. § 103

The Appellants respectfully submit that the attempts to combine the teachings of the references are clearly attempts at hindsight reconstruction of Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 22 USPQ2d 1780 (Fed. Cir. 1992). The rejections, which lack the necessary evidence and rationale, are based on knowledge gleaned only from Appellants' disclosure. It follows that it would not have been obvious to have modified the references in the manner alleged. Furthermore, without a motivation to combine, which is the current situation, a rejection based on a *prima facie* case of obviousness is improper (MPEP § 2143.01).

Appellants traverse the rejections on the grounds that Appellants' claims recite features, relationships, and steps which are neither disclosed nor suggested in the cited art, and because there is no teaching, suggestion, or motivation cited so as to produce Appellants' invention. The

features, relationships, and steps recited in Appellants' claims patentably distinguish over the applied references. Nor would it have been obvious to one having ordinary skill in the art to have combined the teachings of the references to have produced the recited invention.

The Office does not factually support any *prima facie* conclusion of obviousness. If the Office does not produce a *prima facie* case, which is the current situation, then the Appellants are under no obligation to submit evidence of nonobviousness (MPEP § 2142). Thus, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections are improper and should be withdrawn.

**The Pending Claims Are Not Obvious Over
Murphy in view of Patterson**

Claims 1-29, 31-34, 36-46, 48-50, and 52-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Patterson. These rejections are respectfully traversed.

The Action (page 4) alleges that Murphy teaches the recited first computer (10, 30) and second computer (22, 26). The Action (page 4) admits that Murphy does not teach or suggest "selecting presentations in response to user data." The Action relies on Patterson as allegedly teaching this feature. The Appellants respectfully submit that neither Murphy nor Patterson, taken alone or in combination, disclose or suggest the recited features, relationships, and steps.

As discussed in more detail hereinafter, it would not have been obvious to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have

produced the recited invention. Murphy's system requires that the marketing computer (10, 30) remain independent (col. 6, lines 51-53) from the transaction computer (22, 36). Patterson teaches away from having a transaction computer and a marketing computer operate independently of each other. To the contrary, Patterson's teaching requires transaction and marketing dependency, with all ATM communications depending on the host computer (18). Thus, Patterson teaches away from the explicit teaching of Murphy. One having ordinary skill in the art would not have attempted to modify Murphy's required separate independent communication arrangement with Patterson's required dependent communication arrangement. The Action's alleged attempt to modify Murphy with the teaching of Patterson would destroy the disclosed and desired utility and operability of the Murphy teaching. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988). Nor would the alleged modification have produced the recited invention. It follows that it would not have been obvious to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have produced the recited invention. The Office has not established a *prima facie* showing of obviousness.

Claim 1

Note Appellants' remarks in support of the patentability of claim 47.

The Action (page 4) admits that Murphy does not teach or suggest "selecting presentations in response to user data." That is, as best understood, the Action admits that Murphy does not teach or suggest the recited step (e). Nevertheless, Murphy does not teach or suggest the recited step (e). The Appellants respectfully submit that Murphy does not teach or suggest at least steps (c), (e), and (f).

Murphy does not teach or suggest step (c). Murphy does not teach or suggest sending a marketing request message from a terminal (12, 38) to the commercial computer (10, 30) (i.e., the alleged first computer). In Murphy the update of the advertising messages is carried out "under the control of the commercial computer" (10, 30) (col. 3, lines 65-68; abstract at last three lines). Murphy does not teach or suggest that a terminal sends a request to the commercial computer (10, 30) for an (updated) advertisement message, especially a request from each individual terminal. Rather, as previously discussed, advertising messages are sent from the commercial computer and are stored on the terminal hard disc. All control functions regarding the playing of the stored message are located with the terminal (col. 2, lines 46-49). It follows that Murphy does not teach or suggest step (c).

As discussed above, Murphy does not teach or suggest sending a marketing request message. Murphy further does not teach or suggest sending a marketing request message including user data, especially user data corresponding to a user identifying input, to a remote computer that determines a marketing message to present to the particular user. Nor does Murphy have any need to send a request with user identifying data. Rather, in Murphy each of the students receives the same (latest updated) locally stored advertising message (e.g., col. 7, lines 53-60).

Murphy does not teach or suggest step (e). In Murphy the selection of the advertising message is determined by the message stored on the terminal hard disc (col. 3, lines 64-65). There is no teaching in Murphy that the selection is related to user data, especially user data corresponding to an identifying input from the user. The commercial computer (10, 30) (i.e., the

alleged first computer) does not receive user data sent from a terminal. Nor does the commercial computer operate to select, responsive to user data, a presentation to be made to the user.

Where does Murphy teach sending a marketing request message from a transaction machine to a first computer, especially where the marketing request message includes user data corresponding to an identifying input from the user? Where does Murphy teach selecting (through operation of the first computer) data corresponding to a presentation to be made to the user, responsive to the user data? Where does Murphy teach sending from the first computer to a transaction machine a marketing response message including presentation data? Where does Murphy teach a transaction machine, a first computer, user data (corresponding to an identifying input from the user), presentation data (selected responsive to the user data), and the relationships thereof? Murphy does not teach or suggest sending a marketing request message (including user identifying data) from a terminal to the commercial computer; selecting with the commercial computer (responsive to the user identifying data) a presentation to be made to the user; and sending back to the terminal a marketing message having the selected presentation.

Patterson cannot overcome the admitted and previously discussed deficiencies of Murphy as it does not disclose or suggest the recited features which are not found in Murphy. That is, Patterson cannot alleviate the absence of the recited steps not found in Murphy, especially steps (c), (e), and (f).

Where does Patterson teach sending from the ATM (10) a marketing request message to a first computer and a transaction request message to a second computer? Patterson only teaches the ATM (10) communicating with the host computer (18). That is, the host computer (18) must

handle both the transaction and marketing message traffic. Thus, in comparison to an exemplary embodiment of the invention, Patterson's system inherently operates slower.

Where does Patterson teach sending from the ATM (10) a marketing request message to a first (marketing) computer different from the second computer (transaction computer 18)?

Where does Patterson teach sending from the ATM (10) any marketing request message? Where does Patterson teach sending from the ATM (10) a marketing request message including user data corresponding to an identifying input from the user? Rather, in Patterson the relationship management system (22) is alerted by the host computer (18) of a sales opportunity (col. 2, lines 38-39), not by a marketing request sent from the ATM (10), especially not by a marketing request sent from the ATM (10) including user identifying data.

The Action is devoid of any citation to any prior art teaching, suggestion, or motivation for combining the references. Murphy stores the advertising message for later presentation to all users of the same advertising message. Murphy has no need to send a request from a terminal for a response message indicating a marketing message to present. Nor does Murphy have any need of the teachings of Patterson. Patterson does not send from the ATM a request for a responsive marketing message, and particularly Patterson does not teach or suggest sending a marketing request to a computer different from the transaction (host) computer. It follows that neither Murphy nor Patterson disclose or suggest at least step (c). The record lacks substantial evidence support for the rejection presented. *In re Zurko*, supra. Thus, it would not have been obvious to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have produced the recited invention.

An indicated key aspect of Murphy's economical system is the ability to transmit an advertisement to plural terminals using an independent (from the mainframe computer) commercial computer associated with the terminals (col. 6, lines 51-53; col. 3, lines 65-68; and col. 5, lines 35-39). That is, in Murphy the marketing computer (10, 30) is maintained separate and independent from the transaction computer (22, 36) with regard to communication with the terminal. However, in Patterson the ATM only communicates with a single transaction/marketing (host) computer (18). That is, the relied on teaching of Patterson requires that all communication with an ATM go through a single computer, which is directly contrary to the explicit teachings of Murphy. The attempt to modify Murphy with the teachings of Patterson would destroy the disclosed and desired key utility and operability of the Murphy teaching. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art reference. *In re Fine*, supra.

The Action is silent as to how the (dual and independent communication) arrangement of Murphy could be modified by the (single communication) arrangement Patterson to include the recited features and relationships. Even if it were somehow possible (which it isn't) to combine the references, the resultant combination would not have been obvious because the prior art does not suggest the desirability of the combination (MPEP § 2143.01). Nevertheless, even if it were somehow possible (which it isn't) to combine the references, the resultant combination still would not have produced the recited invention. As previously discussed, neither Murphy nor Patterson, taken alone or in combination, disclose or suggest the recited features, relationships,

and steps. The Office has not established a *prima facie* showing of obviousness. Thus, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection should be withdrawn.

Claim 2

Claim 2 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest operating a software agent on the automated banking machine to present the output marketing presentation. Nor has the Office established a *prima facie* showing of obviousness.

Claim 3

Claim 3 depends from claim 2. Neither of the applied references, taken alone or in combination, further disclose or suggest a software agent that is operative to both cause a transaction machine to present the presentation output (claim 2) and cause a marketing request message to be sent to a first computer (claim 3). As previously discussed, neither of the references sends a marketing request message from a transaction machine. It follows that the Office has not established a *prima facie* showing of obviousness.

Claim 4

Claim 4 depends from claim 1. Neither of the applied references, taken alone or in combination, further disclose or suggest executing a transaction sequence, where the transaction sequence includes a presentation state. Where does either Murphy or Patterson teach or suggest using a transaction "sequence", especially a sequence including a presentation state? Also, note Appellants' remarks in support of the patentability of claim 50. The Office has not established a *prima facie* showing of obviousness.

Claim 5

Claim 5 depends from claim 4. The applied references, taken alone or in combination, further do not teach or suggest a transaction sequence including both a presentation state (claim 4) and a sending state (claim 5). Nor has the Office established a *prima facie* showing of obviousness.

Claim 6

Claim 6 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest installing a software agent on a transaction machine computer, where the agent is operative to cause the output marketing presentation to be presented.

Claim 7

Claim 7 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest sending a transaction request message (including transaction request data corresponding to an identifying input) from a transaction machine to a second computer prior to presenting an output (responsive to the presentation data) through an output device.

Claim 8

Claim 8 depends from claim 7. The applied references, taken alone or in combination, further do not teach or suggest carrying out the financial transaction subsequent to presenting the output.

Claim 9

Claim 9 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest receiving a responsive input from the user responsive to a presented output and sending from the transaction machine to the first computer a marketing acknowledgment message (which includes responsive data representative of a responsive input). Where does either Murphy or Patterson teach or suggest a marketing acknowledgment message? The Office has not established a *prima facie* showing of obviousness.

Claim 10

Claim 10 depends from claim 9. The applied references, taken alone or in combination, further do not teach or suggest carrying out the financial transaction prior to sending the marketing acknowledgment message. Where does either Murphy or Patterson teach or suggest the recited relationship? Again, the Office has not established a *prima facie* showing of obviousness.

Claim 11

Claim 11 depends from claim 9. The applied references, taken alone or in combination, further do not teach or suggest sending from a transaction machine to a first computer, a marketing acknowledgment message (which includes responsive data representative of a responsive input) responsive to operation of the software agent installed on a transaction machine computer.

Claim 12

Claim 12 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest presentation data that includes data corresponding to a plurality of instructions, and outputs that are provided through a transaction machine output device responsive to the instructions. The Office has not established a *prima facie* showing of obviousness.

Claim 13

Claim 13 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest presentation data including a plurality of presentation instructions, where a question output requesting an input from the user is presented, and receiving an answer input from the user (responsive to the question output) through a transaction machine input device.

Claim 14

Claim 14 depends from claim 13/1. The applied references, taken alone or in combination, further do not teach or suggest presenting to a user a further output in response to the answer input and at least one of the presentation instructions. The record lacks substantial evidence support. *In re Zurko*, supra.

Claim 15

Claim 15 depends from claim 13/1. The applied references, taken alone or in combination, further do not teach or suggest sending a marketing acknowledgment message (including responsive data representative of the answer input) from the transaction machine to

the first computer. Where does either Murphy or Patterson teach or suggest a marketing acknowledgment message? Again, the Office has not established a *prima facie* showing of obviousness.

Claim 16

Claim 16 depends from claim 14/13/1. The applied references, taken alone or in combination, further do not teach or suggest that a first further output is presented at the automated transaction machine responsive to at least one of the presentation instructions when the user inputs a first answer input, and a second further output is presented at the machine responsive to at least one of the presentation instructions when the user inputs a second answer input.

Claim 17

Claim 17 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest presenting a coupon to a user in the manner recited.

Claim 18

Claim 18 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest storing a presentation sequence, storing data representative of presentations in the sequence that have been previously made to the user, where the computer is operative to select a presentation in the sequence not previously made to the user. Where does either Murphy or Patterson teach or suggest using a "sequence" in the manner recited? Even the Action admits (page 5) that Murphy does not teach or suggest "selecting as the next presentation one that has not been previously viewed."

Patterson also does not teach or suggest using a "sequence" in the manner recited, especially storing data representative of presentations in the sequence that have been previously made to the user. Patterson does not use a sequence, but selects a sales presentation based on a "best match" process (col. 2, line 53; col. 3, line 1) (as discussed in more detail in Appellants' remarks in support of the patentability of claim 50). The Office has not established a *prima facie* showing of obviousness.

Claim 19

Claim 19 depends from claim 18/1. The applied references, taken alone or in combination, further do not teach or suggest a sequence having an associated order in which presentations are presented.

Claim 20

Claim 20 depends from claim 19/18/1. The applied references, taken alone or in combination, further do not teach or suggest storing data representative of a second presentation in correlated relation with data representative of the user, especially where the second presentation is next in the order of the sequence after the first presentation.

Claim 21

Claim 21 depends from claim 20/19/18/1. The applied references, taken alone or in combination, further do not teach or suggest repeating steps (a) through (e), where in step (e) the second presentation is selected.

Claim 22

Claim 22 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest that an identifying input includes an account number read by the transaction machine from a card presented by the user. Where do the applied references specifically teach reading a card account number? The record lacks substantial evidence support. *In re Zurko*, supra.

Claim 23

Claim 23 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest that a marketing request message (sent from a transaction machine to a first computer) includes data representative of a message type and an account number associated with the user. As previously discussed, neither of the references teach or suggest a marketing request message, or sending a marketing request message from a transaction machine to a first computer. Murphy's transaction machine (terminal 12, 38) does not send a marketing request message. In Patterson the relationship management system (22) is alerted by the host computer (18) (col. 2, lines 38-39), not by a marketing request message sent from the transaction machine (ATM 10). Again, the Office has not established a *prima facie* showing of obviousness.

Claim 24

Claim 24 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest that a marketing response message includes data representative of a name associated with the user. Where does either reference teach or suggest a marketing response message including data representative of a name associated with the user?

Claim 25

Claim 25 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest a marketing response message including data corresponding to a display screen, and operating a transaction machine computer responsive to the data (corresponding to the display screen) to recover data usable to graphically produce the display screen.

Claim 26

Claim 26 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest a marketing response message including data representative of a time-out value, and where the output is presented for a period corresponding to the time-out value. Where does either reference teach or suggest a marketing response message having data representative of a time-out value? Where does either reference teach or suggest that an output is presented for a period corresponding to a time-out value (associated with a marketing response message)? Neither of the references teach or suggest the recited features and relationships. The record lacks substantial evidence support. *In re Zurko*, supra. Nor would it have been obvious (or possible) for one having ordinary skill in the art to have modified Murphy with the deficient teachings of Patterson to have produced the recited invention. The Office has not established a *prima facie* showing of obviousness.

Claim 27

Claim 27 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest a marketing response message including data representative of

first and second screens, and presenting the second screen responsive to input through a first input key. Neither of the references teach or suggest the recited relationships.

Claim 28

Claim 28 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest a marketing response message including data corresponding to a coupon, and operating a transaction machine computer responsive to the data (corresponding to a coupon) to recover data usable to print a coupon. Where does either reference teach or suggest the recited features and relationships? Again, the Office has not established a *prima facie* showing of obviousness.

Claim 29

Claim 29 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest presentation script data including data corresponding to at least one of a display, a question, and a prompt, and where an output is presented responsive to the script. Where does either reference teach or suggest the recited presentation script data? Again, the Office has not established a *prima facie* showing of obviousness.

Claim 31

Claim 31 depends from claim 9/1. The applied references, taken alone or in combination, further do not teach or suggest sending from a transaction machine to a first computer, a marketing acknowledgment message which includes data representative of an account number associated with the user. As previously discussed (claim 9), neither of the references teach or suggest a marketing acknowledgment message, or sending a marketing acknowledgment message

from a transaction machine to a first computer. Again, the Office has not established a *prima facie* showing of obviousness.

Claim 32

Claim 32 depends from claim 9/1. The applied references, taken alone or in combination, further do not teach or suggest that a user responsive input is a response to a yes/no query, nor communicating data representative of the user and the response (to the yes/no query) from a first computer to a workstation. Where does either reference teach or suggest a yes/no query and communicating data (representative of the user and the yes/no response) from a computer to a workstation? The references do not teach or suggest the recited features and relationships. Nor has the Office established a *prima facie* showing of obviousness.

Claim 33

Claim 33 depends from claim 9/1. The applied references, taken alone or in combination, further do not teach or suggest that a user responsive input is a numeric input, nor communicating data representative of the user and the numeric input from a first computer to a workstation. The Office has not established a *prima facie* showing of obviousness.

Claim 34

Claim 34 depends from claim 33. The applied references, taken alone or in combination, further do not teach or suggest that a user responsive input is a numeric input corresponding to a user phone number, and further contacting the user at the phone number. Where does either reference teach or suggest a user input corresponding to a phone number, and contacting the user at that phone number? The Action is silent as to where the recited features and relationships are

taught or suggested. The record lacks substantial evidence support. *In re Zurko*, supra. It follows that the Office has not established a *prima facie* showing of obviousness.

Claim 36

Claim 36 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest loading output data in an automated transaction machine, recovering a loaded output (corresponding to presentation data in a marketing response message), and presenting the output in the manner recited.

Claim 37

Claim 37 depends from claim 36. The applied references, taken alone or in combination, further do not teach or suggest loading output data in an automated transaction machine, especially where the output data includes a plurality of display screens.

Claim 38

Claim 38 depends from claim 36. The applied references, taken alone or in combination, further do not teach or suggest loading output data in an automated transaction machine, especially where the output data includes a plurality of coupons.

Claim 39

Claim 39 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest storing data representative of a plurality of users and a plurality of segments, where a user is associated with a segment, and where the presentation is selected responsive to the user being associated with the segment. The Action is silent as to where the

recited features and relationships are taught or suggested. Nor do the references teach or suggest the recited features and relationships.

Claim 40

Claim 40 depends from claim 39. The applied references, taken alone or in combination, further do not teach or suggest storing a plurality of campaigns, where each campaign includes a presentation, and where the segment is associated with a campaign, and where the presentation is selected from a campaign associated with the segment. Again, the references do not teach or suggest the recited features and relationships. It follows that the Office has not established a *prima facie* showing of obviousness.

Claim 41

Claim 41 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest storing data representative of at least one attribute of a plurality of automated transaction machines, and determining an attribute associated with the transaction machine sending the message in step (c), and where the presentation is selected responsive to an attribute of the transaction machine receiving the identifying input from the user. The references do not teach or suggest the recited features and relationships, especially at least one attribute of a plurality of automated transaction machines. Where does either reference even teach or suggest using an attribute of an automated transaction machine?

Claim 42

Claim 42 depends from claim 41. The applied references, taken alone or in combination, further do not teach or suggest that the stored attributes include data corresponding to presentation data stored in data stores in the respective automated transaction machines.

Claim 43

Claim 43 depends from claim 41. The applied references, taken alone or in combination, further do not teach or suggest that the stored attributes include data corresponding to a configuration of input devices in the respective automated transaction machines.

Claim 44

Claim 44 depends from claim 1. The applied references, taken alone or in combination, further do not teach or suggest storing data representative of a plurality of target audience users, a plurality of presentations to be presented to the target audience users, and at least one general presentation, and where the first computer is operative to select the general presentation responsive to the user not being among the target audience users. Again, the references do not teach or suggest the recited features and relationships. It follows that the Office has not established a *prima facie* showing of obviousness.

Claim 45

Claim 45 depends from claim 2. The applied references, taken alone or in combination, further do not teach or suggest storing data corresponding to a default presentation, nor when the default presentation is output. Where does either reference even teach or suggest a default presentation? The record lacks substantial evidence support. *In re Zurko*, supra. Again, the Office has not established a *prima facie* showing of obviousness.

Claim 46

Note Appellants' remarks in support of the patentability of claims 1 and 47.

The Action (page 4) admits that Murphy does not teach or suggest "selecting presentations in response to user data." That is, as best understood, the Action admits that Murphy does not teach or suggest recited step (b). Nevertheless, Murphy does not teach or suggest recited step (b).

The Appellants respectfully submit that Patterson also does not teach or suggest step (b). As previously discussed, Murphy's terminal separately communicates messages with both a first (transaction) computer and an independent second (marketing) computer, whereas in Patterson the ATM only communicates messages between the single (host) computer (18). Patterson does not have an ATM that separately communicates messages with both a first (transaction) computer and an independent second (marketing) computer. As previously discussed, Patterson actually teaches away from the required structure of Murphy. It would not have been obvious to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have produced the recited invention.

Claim 48

Note Appellants' remarks in support of the patentability of claims 1 and 47. As previously discussed, the Action (page 4) admits that Murphy does not teach or suggest "selecting presentations in response to user data."

Neither Murphy nor Patterson teach or suggest at least step (b). The record lacks substantial evidence support. *In re Zurko*, supra. It follows that it would not have been obvious

to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have produced the recited invention.

Furthermore, as previously discussed, in Patterson the ATM (10) only communicates with the host computer (18) via a single communication path. Where does Patterson teach or suggest both a transaction communication path and a marketing communication path for the ATM?

Additionally, as previously discussed, Murphy desires to maintain machine communication with the marketing computer (10, 30) independent from machine communication with the transaction computer (22, 36). One having ordinary skill in the art would not have attempted to modify Murphy's independent communication arrangements with Patterson's teaching of having the ATM communicate only with a single computer (18). The attempt to modify Murphy with the teaching of Patterson would destroy the disclosed and desired utility and operability of the Murphy teaching. *In re Fine*, supra. It follows that it would not have been obvious to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have produced the recited invention. The Office has not established a *prima facie* showing of obviousness.

Claim 49

Note Appellants' remarks in support of the patentability of claims 1, 47, and 48. Murphy does not teach or suggest corresponding marketing data with user identifying input. That is, Murphy does not teach or suggest that "marketing data includes data corresponding to user identifying input." Even the Action (page 4) admits that Murphy does not teach or suggest "selecting presentations in response to user data."

As previously discussed, Patterson teaches away from having a transaction computer and a marketing computer operate independently of each other. Contrarily, Patterson's teaching requires transaction and marketing dependency. That is, Patterson teaches away from the explicit teaching of Murphy. As previously discussed, Murphy's system requires that the marketing computer (10, 30) remain independent (col. 6, lines 51-53) from the transaction computer (22, 36). One having ordinary skill in the art would not have even attempted to modify Murphy's independent communication arrangement with Patterson's required dependent communication arrangement (having the ATM communicate only with a single computer 18). Again, the attempt to modify Murphy with the teaching of Patterson would destroy the disclosed and desired utility and operability of the Murphy teaching. *In re Fine*, supra. Nor would the alleged modification have produced the recited invention. It follows that it would not have been obvious to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have produced the recited invention. The Office has not established a *prima facie* showing of obviousness.

Claim 50

Note Appellants' remarks in support of the patentability of claims 1, 47, 48, and 49. Murphy does not teach or suggest steps (b) and (c). Even the Action (page 5) admits that Murphy does not teach or suggest "selecting as the next presentation one that has not been previously viewed."

Patterson cannot alleviate the recited steps not found in Murphy. Patterson also does not teach or suggest storing a "sequence" having an associated order in which marketing

presentations are presented to a user. Nor does Patterson teach or suggest selecting the next marketing presentation which has not been previously made to the user and which is next in the sequence order. Patterson also does not teach or suggest steps (b) and (c).

Patterson selects a sales presentation based on a "best match" process (col. 2, line 53; col. 3, line 1), not an ordered sequence. The relied on section (col. 3, lines 51-54) of Patterson merely indicates that if the ATM senses that the same card was reinserted (same card used again consecutively), then the system prevents a sales presentation (i.e., the previously shown best match presentation) from being presented to the user.

Neither Murphy nor Patterson, taken alone or in combination, teach or suggest recited steps (b) and (c). The record lacks substantial evidence support for the rejection presented. *In re Zurko*, supra. It follows that it would not have been obvious to one having ordinary skill in the art to have modified Murphy with the teachings of Patterson to have produced the recited invention.

Furthermore, as previously discussed, it would not have been obvious to one having ordinary skill in the art to have modified Murphy's independent communication arrangement with Patterson's required dependent communication arrangement. Again, the attempted modification would destroy the disclosed and desired utility and operability of the Murphy teaching. *In re Fine*, supra. Nor would the alleged modification have produced the recited invention. The Office has not established a *prima facie* showing of obviousness.

Claim 52

Claim 52 depends from claim 51. Note Appellants' remarks in support of the patentability of claims 1, 47, 48, and 49. Neither Murphy nor Patterson, taken alone or in combination, teach or suggest operating a banking machine to send user identifying input data to both a first remote computer and a second remote computer, especially where the banking machine communicates with the second remote computer during a financial transaction to market a product to the user. Thus, the Office has not established a *prima facie* showing of obviousness.

Claim 53

Claim 53 depends from claim 46. Murphy nor Patterson, taken alone or in combination, further do not teach or suggest installing software on an automated banking machine, wherein the software is operative to enable communication between the machine and the second computer in the manner recited.

Claim 54

Claim 54 depends from claim 47. Murphy nor Patterson, taken alone or in combination, further do not teach or suggest installing software on an automated banking machine, wherein the software is operative to enable communication between the machine and the second computer in the manner recited.

**The Pending Claims Are Not Obvious Over
Murphy in view of Patterson and Symonds**

Claims 30 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Patterson and Symonds. These rejections are respectfully traversed.

The Action (page 6) admits that Murphy/Patterson does not teach or suggest "the particular message format." The Action relies on Symonds as allegedly teaching the feature. The Appellants respectfully submit that neither Murphy, Patterson, nor Symonds, taken alone or in combination, disclose or suggest the recited features, relationships, and steps.

Claim 30

Claim 30 depends from claim 1. Where does the relied on Symonds teach or suggest a marketing response message including a portion having an ISO 8583 message format? Symonds teaches (e.g., col. 1) using ISO 8583 format for financial transaction messages. Where does Symonds discuss marketing, especially using a marketing message with an ISO 8583 message format?

The Action is also silent as to how Murphy/Patterson could be modified by Symonds to include the recited features and relationships. Furthermore, even if it were somehow possible for Murphy/Patterson to have been modified with the teaching of Symonds, the alleged modification still would not have produced the recited invention. Neither Murphy/Patterson nor Symonds, taken alone or in combination, disclose or suggest the features and relationships that are specifically recited in the claims. Thus, it would not have been obvious to have modified

Murphy/Patterson in view of Symonds to have produced the recited invention. The Office has not established a *prima facie* showing of obviousness.

Claim 35

Claim 35 depends from claim 9/1. Note Appellants' remarks in support of the patentability of claim 30. Again, the Office has not established a *prima facie* showing of obviousness.

CONCLUSION

Each of Appellants' pending claims specifically recites features, relationships, and steps that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any teaching, suggestion, or motivation for combining features of the applied art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,



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APPENDIX

CLAIMS

1. A method comprising the steps of:
 - (a) receiving at least one identifying input from a user at an automated transaction machine;
 - (b) receiving at least one transaction request input corresponding to a request to conduct a financial transaction from the user at the transaction machine;
 - (c) sending from the transaction machine to a first computer, a marketing request message including user data corresponding to an identifying input from the user;
 - (d) sending from the transaction machine to a second computer, a transaction request message including transaction request data corresponding to an identifying input from the user and the transaction request input;
 - (e) selecting through operation of the first computer responsive to the user data, data corresponding to a presentation to be made to the user;

- (f) sending from the first computer to the transaction machine a marketing response message including presentation data corresponding to the presentation;
- (g) determining through operation of the second computer responsive to the transaction request data, a transaction response;
- (h) sending from the second computer to the transaction machine a transaction response message including transaction response data corresponding to the transaction response;
- (i) presenting responsive to the presentation data at least one output through at least one output device in connection with the transaction machine;
- (j) carrying out the financial transaction through operation of at least one transaction function device in connection with the transaction machine responsive to the transaction response data.

2. The method according to claim 1 and prior to step (a) further comprising the step of:

operating a software agent on a computer in the automated transaction machine, wherein the agent is operative to cause the transaction machine to present the output in step (i).

3. The method according to claim 2 wherein the software agent is also operative to cause the first marketing request message to be sent to the first computer in step (c).

4. The method according to claim 1 wherein the automated transaction machine executes a transaction sequence including a plurality of states, and prior to step (a) further comprising the step of:

including in the transaction sequence a presentation state, wherein step (i) is executed responsive to the transaction machine reaching the presentation state in the transaction sequence.

5. The method according to claim 4 and further comprising the step of including in the transaction sequence a sending state, wherein step (c) is executed responsive to the transaction machine reaching the sending state in the transaction sequence.

6. The method according to claim 1 and prior to step (a) further comprising the step of installing a software agent on a computer in the transaction machine, wherein the agent is operative to cause step (i) to be performed.
7. The method according to claim 1 wherein step (d) is executed prior to step (i).
8. The method according to claim 7 wherein step (j) is carried out subsequent to step (i).
9. The method according to claim 1 and further comprising the steps of:
 - (k) receiving at least one responsive input from the user responsive to at least one output presented in step (i);
 - (l) sending from the transaction machine to the first computer a marketing acknowledgment message including responsive data representative of a responsive input.
10. The method according to claim 9 wherein step (j) is carried out prior to step (l).

11. The method according to claim 9 and prior to step (a) further comprising the step of installing a software agent on a computer in the transaction machine, wherein step (l) is carried out responsive to operation of the software agent.

12. The method according to claim 1 wherein the presentation data includes data corresponding to a plurality of instructions, and wherein in step (i) a plurality of outputs are provided through at least one output device on the transaction machine responsive to the instructions.

13. The method according to claim 1 wherein in step (f) the presentation data includes a plurality of presentation instructions, and wherein in step (i) a question output requesting an input from the user is presented, and further comprising the step of receiving an answer input from the user responsive to the question output, through an input device on the automated transaction machine.

14. The method according to claim 13 and further comprising the step of:

- (k) presenting to the user a further output through an output device on the transaction machine responsive to the answer input and at least one of the presentation instructions.

15. The method according to claim 13 and further comprising the step of sending a marketing acknowledgment message from the transaction machine to the first computer, the marketing acknowledgment message including responsive data representative of the answer input.

16. The method according to claim 14 wherein in step (k) a first further output is presented at the machine responsive to at least one of the presentation instructions when the user inputs a first answer input, and a second further output is presented at the machine responsive to at least one of the presentation instructions when the user inputs a second answer input.

17. The method according to claim 1 wherein step (i) includes presenting a coupon to the user.

18. The method according to claim 1 and further comprising the steps of:

storing at least one sequence comprising data representative of a plurality of presentations in a data store in operative connection with the first computer;

storing in the data store, data representative of presentations in the sequence that have been previously been made to the user;

wherein in step (e) the computer is operative to select a presentation in the sequence not previously made to the user.

19. The method according to claim 18 wherein the sequence has an associated order in which presentations included in the sequence are presented, and wherein in step (e) the computer is operative to select a first presentation that has not been previously made to the user and which is next in the order.

20. The method according to claim 19 and further comprising the step of storing in the data store in correlated relation with data representative of the user, data representative of a second presentation, wherein the second presentation is next in the order of the sequence after the first presentation.

21. The method according to claim 20 and further comprising repeating steps (a) through (e) wherein in step (e) the second presentation is selected.

22. The method according to claim 1 wherein in step (a) the identifying input includes an account number read by the transaction machine from a card presented by the user.

23. The method according to claim 1 wherein in step (c) the marketing request message includes data representative of a message type and an account number associated with the user.

24. The method according to claim 1 wherein in step (f) the marketing response message includes data representative of a name associated with the user.

25. The method according to claim 1 wherein in step (f) the marketing response message includes data corresponding to a display screen, and prior to step (i) further comprising the step of operating a computer in the transaction machine responsive to the data corresponding to the display screen to recover from a data store in operative connection with the computer in the transaction machine data usable to graphically produce the display screen, wherein in step (i) the display screen is output.

26. The method according to claim 1 wherein in step (f) the marketing response message further includes data representative of a time-out value, and wherein in step (i) the output is presented for a period corresponding to the time-out value.

27. The method according to claim 1 wherein in step (f) the marketing response message further includes data representative of a first screen, and a first input key and a second input key on the transaction machine and wherein the marketing response message further includes data representative of a second screen corresponding to selection of the first input key, and wherein in step (i) the first screen is output, and further comprising the steps of:

providing an input through the first input key of the transaction machine;

presenting the second screen through an output device of the transaction machine responsive to the input through the first input key.

28. The method according to claim 1 wherein in step (f) the marketing response message includes data corresponding to a coupon, and prior to step (i) further comprising the steps of operating a computer in the transaction machine responsive to the data corresponding to a coupon to recover from a data store in operative connection with the computer in the transaction machine, data usable to print a coupon wherein in step (i) a coupon is output from the machine.

29. The method according to claim 1 wherein in step (f) the presentation data includes script data, wherein the script data includes data corresponding to at least one of a display, a question and a prompt, and wherein in step (i) the output is presented responsive to the script data.

30. The method according to claim 1 wherein in step (f) the marketing response message includes a portion having an ISO 8583 message format.

31. The method according to claim 9 wherein in step (l) the marketing acknowledgment message includes data representative of an account number associated with the user.

32. The method according to claim 9 wherein the responsive input is a response to a yes/no query, and further comprising the step of communicating data representative of the user and the response from the first computer to a workstation.

33. The method according to claim 9 wherein the responsive input is a numeric input, and further comprising the step of communicating data representative of the user and the numeric input from the first computer to a workstation.

34. The method according to claim 33 wherein the numeric input corresponds to a user phone number, and further comprising the step of contacting the user at the phone number.

35. The method according to claim 9 wherein the marketing acknowledgment message in step (1) includes a portion having an ISO 8583 message format.

36. The method according to claim 1 and prior to step (i) further comprising the steps of:

loading in a data store in the automated transaction machine, output data
corresponding to a plurality of outputs;

recovering from the data store through operation of a computer in the transaction machine, an output corresponding to the presentation data in the marketing response message, wherein the output is presented in step (i).

37. The method according to claim 36 wherein the output data includes a plurality of display screens, wherein a display screen is output in step (i).

38. The method according to claim 36 wherein the output data includes plurality of coupons, and wherein a coupon is output in step (i).

39. The method according to claim 1 and prior to step (e) further comprising the step of:

storing in a data store in operative connection with the first computer, data representative of a plurality of users and a plurality of segments, wherein the user is associated in the data store with at least one first segment, and wherein in step (e) the presentation is selected responsive to the user being associated with the first segment.

40. The method according to claim 39 and prior to step (e) further comprising the step of:

storing in the data store in operative connection with the first computer, a plurality of campaigns, wherein each campaign includes at least one presentation, and wherein the first segment is associated in the data store with at least one campaign, and wherein in step (e) the presentation is selected from a campaign associated with the first segment.

41. The method according to claim 1 and prior to step (c) further comprising the steps of:

(k) storing in a data store in operative connection with the first computer, data representative of at least one attribute of a plurality of automated transaction machines including the automated transaction machine receiving the identifying input from the user in step (a);

(l) determining at least one attribute associated with the transaction machine sending the message in step (c) responsive to the operation of the first computer;

wherein in step (c) the presentation is selected responsive to the at least one attribute of the transaction machine receiving the identifying input from the user in step (a).

42. The method according to claim 41 wherein the attributes stored in step (k) include data corresponding to presentation data stored in data stores in the respective automated transaction machines.

43. The method according to claim 41 wherein the attributes stored in step (k) include data corresponding to a configuration of input devices in the respective automated transaction machines.

44. The method according to claim 1 and prior to step (b) further comprising the step of storing in a data store in operative connection with the first computer, data representative of a plurality of target audience users, a plurality of presentations to be presented to the target audience users and at least one general presentation, wherein in step (e) the first computer is operative to select the general presentation responsive to the user not being among the target audience users.

45. The method according to claim 2 and prior to step (i) further comprising the step of storing data corresponding to a default presentation in a data store in operative connection with the computer operating in the transaction machine, and wherein in step (i) the agent is operative to cause the presentation corresponding to the presentation data in the marketing response message to be output when the message sent in step (f) has been received by the machine when step (i) is ready to be performed, and further comprising repeating steps (a) through (c), and

wherein if no presentation data has been received by the transaction machine when step (i) is next ready to be performed, the default presentation is output.

46. A method comprising the steps of:

- (a) carrying out a financial transaction for a user through operation of an automated transaction machine by communicating at least one financial transaction message between the transaction machine and a first computer, wherein the machine is operative to receive user identifying data; and
- (b) marketing at least one product to the user through operation of the transaction machine by communicating at least one marketing message between the transaction machine and a second computer responsive to the user identifying data.

47. A method comprising:

- (a) carrying out a financial transaction for a user through operation of an automated transaction machine by communicating at least one financial transaction message between the transaction machine and a first computer; and concurrently during at least a portion of the financial transaction

- (b) marketing at least one product to the user through operation of the transaction machine by communicating at least one marketing message between the transaction machine and a second computer.

48. A method comprising:

- (a) operating an automated banking machine to receive at least one unique user identifying input from a user of the automated banking machine, wherein the automated banking machine is operative to carry out at least one financial transaction for the user via at least one transaction communication path;
- (b) subsequent to (a), operating the automated banking machine to obtain remote marketing data corresponding to the unique user identifying input via at least one marketing communication path, wherein the at least one marketing communication path is in operative connection with at least one computer not in the at least one transaction communication path;
- (c) subsequent to (b), operating the automated banking machine to market at least one product to the user at the automated banking machine responsive to the marketing data.

49. A method comprising:

- (a) communicating marketing data between at least one remote marketing computer and an automated banking machine, wherein the marketing data includes data corresponding to user identifying input from a user of the automated banking machine;
- (b) communicating financial transaction data between the automated banking machine and at least one remote host computer, wherein the financial transaction data includes data corresponding to the user identifying input, and wherein the at least one remote host computer and the at least one remote marketing computer operate generally independently of each other; and
- (c) marketing at least one product to the user at the automated banking machine responsive to (a).

50. A method comprising:

- (a) providing an automated banking machine in operative connection with at least one host computer and at least one marketing computer, wherein the at least one host computer is associated with carrying out a financial transaction for a user of the

automated banking machine, wherein the at least one marketing computer is associated with marketing at least one product to the user, and wherein the at least one host computer operates generally independently of the at least one marketing computer;

- (b) storing at least one sequence comprising data representative of a plurality of marketing presentations associated with the at least one product in at least one data store in operative connection with the at least one marketing computer, wherein the at least one sequence has an associated order in which marketing presentations represented in the at least one sequence are presented to the user;
- (c) selecting data representative of a next marketing presentation that has not been previously made to the user and which is next in the order; and
- (d) presenting the next marketing presentation to the user at the automated banking machine.

51. A method comprising:

- (a) operating an automated banking machine to conduct a financial transaction for a user, wherein the banking machine communicates with a first computer remote from the banking machine in carrying out the transaction;

(b) operating the automated banking machine to market at least one product to the user, wherein the banking machine markets the at least one product responsive to communication with a second computer remote from the banking machine and separate from the first computer, and wherein the banking machine communicates with the second computer during at least a portion of the financial transaction.

52. The method according to claim 51

wherein step (a) includes receiving at least one user identifying input from the user and operating the banking machine to send data corresponding to the at least one user identifying input to the first computer, and

wherein step (b) includes operating the banking machine to send data corresponding to the at least one user identifying input to the second computer.

53. The method according to claim 46 and prior to step (b) installing software on the machine, wherein the software is operative to enable communication between the machine and the second computer.

54. The method according to claim 47 and prior to step (b) installing software on the machine, wherein the software is operative to enable communication between the machine and the second computer.

55. The method according to claim 51 and prior to step (b) installing software on the machine, wherein the software is operative to enable communication between the machine and the second computer.